

DATE: October 6, 2008

TO: Office of Drinking Water Technical Staff

FROM: J. Wesley Kleene, Ph.D., P.E., Director
Office of Drinking Water

SUBJECT: SURVEILLANCE & REGULATIONS - “State-Only” (non-federal) Violations

RELATED: WM 823 (SDWIS),
WM 824 (Data Reports and Retrieval Program (R&R)),
WM 771 (Work Hours-Time Accounting & Monthly Report)

SUMMARY STATEMENT

This memo clarifies ODW policy and procedures for assessing compliance and issuing notices of violations (NOVs), and determining other enforcement actions related to non-compliance with requirements of the Commonwealth of Virginia *Waterworks Regulation* which are not based on federal drinking water rules and regulations. Violation types and other data management requirements are specifically designated to facilitate data entry, tracking, and enforcement actions. Additionally, this memo outlines the procedures necessary to implement these state drinking water violations.

BACKGROUND

Violations of federal rules and regulations require the ODW to track and report such violations to the U.S. EPA through the State Drinking Water Information System (SDWIS). ODW has now extended this data management process to include all violations specific to the Commonwealth of Virginia *Waterworks Regulations* (12 VAC 5-590), promulgated under Article 2, Title 32.1 of the Code of Virginia, for its own surveillance, compliance determinations, and decision-making purposes.

VIOLATION TYPES

The following table outlines the various violation types to which this memo applies:

VAC Type Code Violations	
TYPE	DESCRIPTION
A0	No Waterworks Operation Permit
A1	No Construction Permit for Modification
A2	Exceedance of Permitted Design Capacity
A3	Operating Facility Beyond Permit Condition
A4	New Waterworks or Components in Service Without Approval
B0	No Bacteriological Sample Siting Report (BSSR)
B1	Failure to Follow Approved BSSR
B2	Lacks Properly Licensed Operator

B3	Do not use
B4	No Waterworks Business Operations Plan (WBOP)
B5	No Cross Connection Control Plan (CCCCP)
B6	Failure to Implement CCCC
C1	Failure to Report by 10 th Day of Month
C2	State Monitoring Violation
C3	Reliability Problem
C4	Lack of Monitoring Equipment
C5	Failure to Meter Water Production
C6	Less Than 20 psi at Service Connection
C7	State MCL Violation
C8	Do not use
C9	Failure to Notify Consumers

For a complete description of each violation type, procedures for assessing compliance, issuing NOV's, and determining other related enforcement actions see the attached spreadsheet.

SURVEILLANCE & COMPLIANCE DETERMINATION

Since these violations are not related to National Primary Drinking Water Regulations, it is important to recognize and understand the "Triggering Event", as this is what helps to determine compliance or noncompliance. Use of the information in the attached spreadsheet will help guide the compliance determination process. All compliance and enforcement actions (i.e., issuance of Notices of Violations, etc.) shall be entered into SDWIS per WM 823.

NOTICE S OF VIOLATION

Once the determination is made to issue a notice of violation, staff shall use current NOV templates and instructions as modified to appropriately reflect a State violation.

DATA MANAGEMENT

All State violations shall be tracked in essentially the same way as the Federal violations, with the understanding that State violations are not reported to the U.S. EPA. All initial data entry and changes to data shall be completed in a timely manner in accordance with the requirements of WM 823.

TIME ACCOUNTING

Both Federal and State violations shall be reported on the monthly time and activity accounting report in accordance with WM 771.

END OF MEMO